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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/707,765   | 11/08/2000  | Haruo Soeda          | 0879-0285P          | 9947             |
| 2292   | 7590        | 03/08/2006           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | TRAN, DOUGLAS Q     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2624                |                  |

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/707,765

Applicant(s)

SOEDA ET AL.

Examiner

Douglas Q. Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/13/05.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 10-12 and 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 6-9, 13, and 23-28 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

*Tran*

## DETAILED ACTION

### *Election/Restrictions*

1. Applicants provisionally elect to prosecute Group II, filed on 1/27/05, claims 6-9 and 13, without traverse. Applicants respectfully reserve the right to file a divisional application for the non-elected claims. Therefore, the non-elected claims 1-5, 10-12, and 14-22 should be canceled.
2. Now, the new claims 23-28 are added with new subject matter.
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 6-7, 9 and 13, drawn to a correcting device which corrects **printing color** based on printing color correcting information and **the measured humidity**.
  - II. Claims 8, 25-26, drawn to a correcting device which corrects **printing color** based on printing color correcting information and **the humidity history data in the storage device**.
  - III. Claims 23-24, drawn to a correcting device which corrects **printing temperature of the thermal heads based on printing temperature correcting information and the humidity history data in the storage device**.
  - IV. Claims 27-28, drawn to a correcting device which corrects **printing temperature of the thermal heads based on printing temperature correcting information and the humidity history data in the storage device**.

Inventions I, II, III, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Group I requests a correcting device which correct **printing color** based on printing color correcting information and **the measured humidity**; group II requests a correcting device which correct **printing color** based on printing color correcting information and **the humidity history data in the storage device**; group III requests a correcting device which corrects **printing temperature of the thermal heads based on printing temperature correcting information and the humidity history data in the storage device**; and group IV requests a correcting device which corrects **printing temperature of the thermal heads based on printing temperature correcting information and the humidity history data in the storage device**. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

#### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

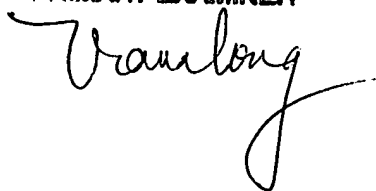
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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442 or E-mail address is douglas.tran@uspto.gov.

Feb. 24, 2006

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read "Douglas Q. Tran", written in black ink.